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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,112	12/29/2003	J. Brandal Glenn	WHTM140	3161

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EXAMINER

ADDIE, RAYMOND W

ART UNIT PAPER NUMBER

3671

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/749,112

Applicant(s)

GLENN ET AL.

Examiner

Raymond W. Addie

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-19 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 3-11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/21/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 1, 3, 4, 6, 7, 8, 10-19 are objected to because of the following informalities:

Claim 1, ln. 4, the phrase "a rotatable"; should be --said rotatable--; since this is the 2nd recitation of "a rotatable blade assembly".

Claim 1, ln. 9, the phrase "them"; should be --said blades--; because "them" is vague.

Claim 3, lns. 2-3, the phrase "an exterior surface, said exterior surface threaded"; should be --a threaded exterior surface--.

Claims 3, 4, 6 are objected to, for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

The omitted structural cooperative relationships are: in claim 3, how does the threaded surface of the thrust collar affect performance of the claimed device? In claim 4, what is the result of the nut being "configured for threading" onto the thrust collar?

In claims 6, 13 although the nut is reversibly threaded on the thrust collar plate; it is unclear as to what affect or criticality stems from this structural relationship.

In claims 7, 8, 14, 15line 2, the phrase "a reduction/increase in the degree of downward bearing"; should be --a selective reduction/increase in the degree of downward bearing

Art Unit: 3671

force--. In order to clearly put forth the patentable distinction resulting from the claimed inventive assembly.

In regards to claims 10, 11, 17, 18 ln. 3, the phrase "said nut." should be --said nut; thereby increasing the pitch of the trowel blades.-- In order to clearly show how the structural relationships claimed affect the performance of the claimed invention.

Claims 12, 19 lns. 16-17, the phrase "an exterior surface, said exterior surface threaded"; should be --a threaded exterior surface--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Artzberger # 4,784,519.

Artzberger discloses a concrete finishing trowel (1) comprising:

A drive means (3) having extending therefrom a drive shaft (4) connecting and able to rotate a trowel base assembly (8); for finishing a concrete surface.

Said rotatable trowel assembly (8), having a vertical axis of rotation and a plurality of

finishing blades (9). Said blades each define a longitudinal axis general perpendicular to said vertical axis of rotation. See Fig. 3.

A pitch controller (23) for varying the pitch of said blades by rotating said blades (9) about the longitudinal axis of said blades. See Col. 3.

A clutch (20, 21) for selectively engaging and disengaging said pitch controller.

Wherein said pitch controller (23) comprises a thrust collar (23) having a plate (23) configured to bear downwardly on said rotatable blade assembly (8) thereby varying the pitch of said blades (9), by rotation about the longitudinal axis of said blades.

See col. 2, ln. 650-col. 4, ln. 19.

Allowable Subject Matter

3. Claims 12-19 are allowed.

Claims 3-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thieme # 3,007,378 discloses a power trowel. Artzberger #'s 4,859,114; 5,096,330 discloses a power trowel. Allen et al. #'s 5,108,220; 5,405,216;

6,048,130 discloses a power trowel. Allen # 5,816,739 discloses a power trowel. Smith et al. # 6,368,016 discloses a power trowel. Glenn et al. # 2004/0165952 A1 discloses a power trowel.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Addie whose telephone number is (703) 305-0135. The examiner can normally be reached on Monday-Friday from 7:00 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703) 308-3870. The fax phone number for this Group is (703) 872-9326.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). On or about 3/30/05 Examiner Addie's telephone number will become (571) 272-6986.

A handwritten signature in black ink, appearing to read 'Raymond Addie', is positioned above the printed name.

**Raymond Addie
Patent Examiner
Group 3600**

**RWA
2/18/20005**